UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ILLINOIS **EASTERN DIVISION**

AMERICAN EMPIRE SURPLUS LINES INSURANCE COMPANY, as subrogee of FROCK BROS. TRUCKING, INC.,))) Case No. 08 CV 2799
Plaintiff,)) Judge Dow
v.) Magistrate Valdez
CUMMINS INC.,)
Defendant.)

NOTICE OF MOTION

To: Robert Ostojic

LEAHY, EISENBERG & FRAENKEL, LTD

161 North Clark Street, Suite 1300

Chicago, IL 60601

PLEASE TAKE NOTICE that on Thursday, May 22, 2008 at 9:15 a.m., or as soon thereafter as counsel may be heard, we shall appear before the Honorable Judge Robert M. Dow, Jr. in Room 1919 of the Dirksen Federal Building located at 219 South Dearborn Street, Chicago, Illinois, and then and there present the attached Defendant Cummins Inc.'s Motion to Transfer and memorandum in support thereof, copies of which are hereby served upon you. Respectfully Submitted,

> __/s/ Brendan J. Healey Attorney for Cummins Inc.

Brendan J. Healey Mandell Menkes LLC 333 West Wacker Drive, Suite 300 Chicago, Illinois 60606 (312) 251-1000

J. A. Felton Dan E. Cranshaw Lathrop & Gage L.C. 2345 Grand Boulevard, Suite 2800 Kansas City, Missouri 64108-2684 (816) 292-2000

May 19, 2008

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CERTIFICATE OF SERVICE

I hereby certify that I filed a copy of the foregoing with the Clerk of the Court using the ECM/ECF system. I further certify that a copy of the foregoing Cummins Inc.'s Motion to Transfer Venue was served on May 19, 2008 by First-Class United States Mail, postage prepaid on the following counsel of record:

Robert Ostojic ro@lefltd.com LEAHY, EISENBERG & FRAENKEL, LTD 161 North Clark Street **Suite 1300** Chicago, IL 60601

Telephone: (312) 368-4554

/s/ Brendan J. Healey____ An Attorney for Defendant